

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

UNCLAS STATE 173783

FOR DAVID CHANG

E.O.11652:NA

TAGS: ENRG,JA

SUBJECT: INTELLECTUAL PROPERTY RIGHTS FOR EXCHANGE AGREEMENTS

REF: TOKYO 10181

PRESIDENT'S STATEMENT OF GOVERNMENT PATENT POLICY
SECTION 1(A) OF POLICY STATEMENT LISTS FOUR TYPES OF
CONTRACTING SITUATIONS WHERE IT PRESUMED THAT THE PUBLIC
INTEREST WOULD NORMALLY BEST BE SERVED THROUGH GOVERNMENT
ACQUISITION OF TITLE. THESE ARE:

1. PURPOSE OF CONTRACT IS TO CREATE OR IMPROVE PRODUCTS OR
PROCESSES INTENDED OR REQUIRED FOR COMMERCIAL USE BY GENERAL
PUBLIC;
2. PURPOSE OF CONTRACT IS IN FIELDS OF PUBLIC HEALTH OR WEL-
FARE;
3. CONTRACT IS IN FIELD PRINCIPALLY DEVELOPED BY
GOVERNMENT AND RIGHTS TO THE CONTRACTOR MIGHT CONFER DOMINANT
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POSITION; AND

4. CONTRACTOR IS TO OPERATE GOVERNMENT-OWNED FACILITY OR
COORDINATE WORK OF OTHERS.

SECTION 1(A) ALSO PROVIDES FOR EXCEPTIONAL CIRCUMSTANCES WHERE THE CONTRACTOR MAY ACQUIRE GREATER RIGHTS EVEN THOUGH THE CONTRACT FALLS WITHIN ONE OF ABOVE AREAS.

SECTION 1(B) OF THE POLICY STATEMENT IDENTIFIES SITUATIONS WHERE PUBLIC INTEREST DICTATES ALLOWING THE CONTRACTOR TO RETAIN EXCLUSIVE COMMERCIAL RIGHTS DEFINED AS (1) THOSE SITUATIONS OTHER THAN THE ONES DEFINED IN SECTION 1(A), (2) WHERE PURPOSE OF CONTRACT IS TO BUILD UPON EXISTING TECHNOLOGY TO DEVELOP PRODUCTS OR PROCESSES FOR GOVERNMENT, AND (3) WHERE CONTRACTOR HAS A COMMERCIAL POSITION IN TECHNOLOGY FIELD OF CONTRACT.

WHEN A CONTRACTING SITUATION NOT WITHIN SECTIONS 1(A) OR 1(B), THEN DECISION ON ALLOCATION OF RIGHTS DEFERRED ON CASE-BY-CASE BASIS AS INVENTIONS ARE MADE.

SECTIONS 1(F) AND 1(G) (REFERRED TO AS "MARCH IN RIGHTS"), GIVE GOVERNMENT THE RIGHT, WHENEVER CONTRACTOR RETAINS TITLE TO REQUIRE GRANT OF LICENSE TO OTHERS (1) UNLESS THE CONTRACTOR HAS OR HAS ATTEMPTED TO LICENSE OTHERS AND (2) TO THE EXTENT THAT INVENTION IS REQUIRED FOR PUBLIC USE.

SECTION 1(I) PROVIDES THAT WHENEVER THE GOVERNMENT ACQUIRES TITLE TO AN INVENTION, THE NON-EXCLUSIVE LICENSE NORMALLY LEFT TO THE GOVERNMENT CONTRACTOR WHO ORIGINATED THE INVENTION MAY BE MADE REVOCABLE SO THAT EXCLUSIVE LICENSE CAN BE GRANTED.

ADDITIONALLY, SECTION 1(H) AND 1(I) SPECIFY THE MINIMUM RIGHTS THAT WILL BE RETAINED BY EITHER THE GOVERNMENT OR THE CONTRACTOR WHENEVER THE OTHER PARTY ACQUIRES TITLE TO THE INVENTIONS.

SECTION 2 OF THE PRESIDENTIAL POLICY GIVES THE OFFICIAL SANCTION OF THE EXECUTIVE BRANCH TO LICENSE GOVERNMENT-OWNED PATENTS ON EITHER ON EXCLUSIVE OR NON-EXCLUSIVE BASIS. SECTION 2 ALSO DIRECTS GSA TO ISSUE GOVERNMENT-WIDE REGULATIONS GOVERNING THE GOVERNMENT'S LICENSING PROGRAM.
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GSA REGULATIONS

PURSUANT TO PRESIDENTIAL POLICY, GENERAL SERVICES ADMINISTRATION PROMULGATED TWO SETS OF REGULATIONS: ONE FOR DISPOSITION OR RIGHTS UNDER GOVERNMENT R&D CONTRACTS, THE SECOND FOR THE EXCLUSIVE LICENSING OF GOVERNMENT-OWNED PATENTS.

LICENSING REGULATIONS

NON-EXCLUSIVE LICENSING PREFERRED WHENEVER THEY WILL PROMOTE COMMERCIAL USE OF INVENTIONS. HOWEVER, LIMITED EXCLUSIVE RIGHTS GRANTED IF SUCH AN INCENTIVE IS NECESSARY TO ATTRACT

INVESTMENT CAPITAL FOR TECHNICAL AND MARKET DEVELOPMENT.
BEFORE GRANTING AN EXCLUSIVE LICENSE, INVENTION MUST HAVE
BEEN PUBLISHED AS BEING AVAILABLE FOR LICENSING FOR AT
LEASE SIX MONTHS, AND GOVERNMENT MUST DETERMINE THAT:

1. EXCLUSIVE
LICENSE IS LIKELY TO BRING ABOUT COMMERCIAL-
IZATION;
2. COMMERCIALIZATION NOT BEEN ACHIEVED UNDER NON-EXCLUSIVE
LICENSE; AND
3. COMMERCIALIZATION NOT LIKELY TO BE ACHIEVED MORE
EXPEDITIOUSLY BY NON-EXCLUSIVE LICENSING FOR FURTHER
GOVERNMENT DEVELOPMENT.

NOTICE OF INTENT TO GRANT EXCLUSIVE LICENSE MUST BE
PUBLISHED IN FEDERAL REGISTER SIXTY DAYS BEFORE LICENSE
IS GRANTED.

ALL LICENSES, EXCLUSIVE AND NON-EXCLUSIVE, ARE FOR
SPECIFIED TERM AND REQUIRE LICENSEE TO COMMERCIALIZE
INVENTION. WHEN EXCLUSIVE LICENSE EXPIRES, NON-EXCLUSIVE
LICENSES MAY BE GRANTED FOR THE REMAINING TERM OF PATENT.
DISTRICT COURT FOR THE DISTRICT OF COLUMBIA RECENTLY HELD
THAT THE GSA EXCLUSIVE LICENSING REGULATIONS WERE AN
UNCONSTITUTIONAL DISPOSITION OF GOVERNMENT PROPERTY WITHOUT
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CONGRESSIONAL AUTHORIZATION. THE GSA HAS APPEALED THIS
DECISION.

PROCUREMENT REGULATIONS

THE GSA REGULATIONS FOR DISPOSITION OF PATENT RIGHTS SET
FORTH POLICIES, PROCEDURES, AND CONTRACT CLAUSES WITH
RESPECT TO INVENTIONS MADE IN THE COURSE OF A CONTRACT OR
SUBCONTRACT ENTERED INTO WITH OR FOR BENEFIT OF GOVERNMENT
WHERE A PURPOSE IS CONDUCT OF EXPERIMENTAL, DEVELOPMENTAL,
OR RESEARCH WORK. CONTRACTING AGENCY SHALL INCLUDE IN THE
CONTRACT A PATENT RIGHTS CLAUSE, WHICH IS GENERALLY SUBJECT
TO NEGOTIATION BETWEEN THE CONTRACTING AGENCY AND THE CONTRACTOR.

CLAUSES GENERALLY INCLUDE PROVISIONS GOVERNING A LICENSE
RESERVATION FOR THE GOVERNMENT, RIGHTS TO SUBLICENSE
FOREIGN GOVERNMENTS; MINIMUM RIGHTS TO BE OBTAINED BY THE
CONTRACTOR; AND THE POLICY REGARDING SUBCONTRACTING BY
THE CONTRACTOR.

A SUIT HAS BEEN FILED QUESTIONING CONSTITUTIONALITY OF
GSA'S PROCUREMENT REGULATIONS. ON JULY 24, 1974, THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DISMISSED THIS SUIT ON THE GROUND THAT THE PLAINTIFFS DID NOT HAVE STANDING TO SUE. IT IS OUR UNDERSTANDING THAT THE PLAINTIFFS HAVE APPEALED THIS DECISION.

PATENT POLICIES OF VARIOUS AGENCIES

FOLLOWING LIST PROVIDES BRIEF DESCRIPTION OF CONTRACT PATENT POLICIES OF MAJOR RESEARCH AND DEVELOPMENT AGENCIES, GENERAL PRACTICES UNDER THE POLICY, AND OTHER PERTINENT COMMENTS.

1. DEPARTMENT OF DEFENSE. NO STATUTORY GUIDANCE. DERIVES ITS POLICIES FROM THE PRESIDENTIAL STATEMENT. A LICENSE CLAUSE IN APPROXIMATELY 80 PERCENT OF CONTRACTS. RECENTLY INITIATED EFFORTS FOR PROMOTING COMMERCIAL USE OF ITS PATENTED TECHNOLOGY. SUBSTANTIALLY ALL FOREIGN-OWNED PATENTS WERE OBTAINED THROUGH COOPERATIVE RELATIONSHIPS WITH DEFENSE DEPARTMENTS OF OTHER COUNTRIES AND ARE DIRECTED UNCLASSIFIED

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TOWARD WEAPON SYSTEMS.

2. ATOMIC ENERGY COMMISSION. STATUTORY REGULATIONS, 42 USC 2182, REQUIRES AEC TAKE TITLE TO ATOMIC ENERGY INVENTIONS. AEC FOLLOWS PRESIDENTIAL POLICY GUIDANCE IN NONATOMIC ENERGY SITUATIONS. TITLE CLAUSE USED IN APPROXIMATELY 95 PERCENT OF ITS CONTRACTS. AEC HAS EXTENSIVE FOREIGN FILING PROGRAM IN FIELD OF ATOMIC ENERGY, USED PRIMARILY FOR EXCHANGE FOR PATENT RIGHTS OF OTHER COUNTRIES.

3. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION. STATUTORY REGULATION, 42 USC 2457(A) AND (F), REQUIRES ACROSS-THE-BOARD TITLE POLICY WITH ABILITY TO WAIVE TITLE TO INDIVIDUAL INVENTIONS. NASA INTERPRETS STATUTE AS PERMITTING IT TO ESSENTIALLY FOLLOW PRESIDENT'S POLICY STATEMENT. NASA USES TITLE CLAUSE IN 99 PERCENT OF ITS CONTRACTS, HOWEVER, IT WAIVES TITLE TO INDIVIDUAL INVENTIONS IN 76 PERCENT OF REQUESTS MADE FOR SUCH RIGHTS. INTRA-AGENCY BOARD MAKES DECISIONS ON WAIVER AND GRANTS AWARDED. COMMERCIAL POTENTIAL PRIMARY CONSIDERATION IN SELECTING INVENTIONS FOR PROTECTION.

4. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE. USES PRESIDENTIAL POLICY GUIDANCE EXCEPT IN ONE AREA COVERED BY TITLE LEGISLATION. USES TITLE CLAUSE IN APPROXIMATELY 90 PERCENT OF ITS CONTRACTS.

5. DEPARTMENT OF AGRICULTURE. SUBSTANTIAL PORTION OF RESEARCH AND DEVELOPMENT CONTRACTING BY AGENCY IS COVERED BY TITLE LEGISLATION, OTHERWISE, FOLLOWS PRESIDENTIAL POLICY.

6. NATIONAL SCIENCE FOUNDATION. NSF HAS FLEXIBLE STATUTORY GUIDANCE (42 USC 1871(A)) WHICH PERMITS USE OF PRESIDENT'S POLICY STATEMENT.

7. DEPARTMENT OF INTERIOR. ADMINISTERS THE COAL RESEARCH ACT OF 1960 (30USC 666), HELIUM ACT AMENDMENTS OF 1960 (50 USC 167(B)), SALINE WATER CONVERSION ACT OF 1961 (42 USC 1954(B)), WATER RESOURCES ACT OF 1964 (42 USC UNCLASSIFIED

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1961(C)(3)), AND FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969(30USC 951(C)), WHICH GENERALLY REQUIRE USE OF TITLE CLAUSE. THE WORDING OF STATUTORY GUIDANCE APPEARS TO PREVENT FOLLOWING POLICY STATEMENT IN THESE AREAS; IN OTHER AREAS, THE POLICY STATEMENT IS FOLLOWED.

WHILE ABOVE EXAMPLES ILLUSTRATE CONTRACTING PATENT POLICY OF VARIOUS AGENCIES, IT IS ESSENTIAL TO NOTE THAT AGENCY HEADS HAVE GREAT LATITUDE IN GRANTING RIGHTS TO GOVERNMENT SPONSORED INVENTIONS AS ARE DEEMED NECESSARY TO ENCOURAGE DEVELOPMENT AND COMMERCIAL USE OF INVENTIONS.

PATENT POLICIES FOR ENERGY BILLS.

PRESENTLY PENDING IN CONGRESS ARE SEVERAL ENERGY-RELATED BILLS WHICH SPECIFICALLY PROVIDE FOR TREATMENT OF PATENT RIGHTS IN ANY INVENTIONS ARISING OUT OF GOVERNMENT-SPONSORED RESEARCH AND DEVELOPMENT. REPRESENTATIVE ARE THE PATENT PROVISIONS IN S. 1283 AND ITS COMPANION BILL H.R. 13565.

IN S. 1283 GOVERNMENT TAKES TITLE TO ALL INVENTIONS SPONSORED PARTIALLY OR WHOLLY THROUGH FEDERAL FUNDS. ONLY NON-EXCLUSIVE LICENSING IS PERMITTED, ON EITHER A ROYALTY-FREE OR A ROYALTY-BEARING BASIS, BUT ONLY AFTER AN ON-THE-RECORD HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT. REQUIRES GOVERNMENT TO TAKE A PARTICIPANT'S BACKGROUND PATENTS, TRADE SECRETS, KNOW-HOW, AND PROPRIETARY INFORMATION WHICH WILL BE EMPLOYED IN THE GOVERNMENT PROGRAM, IN AN AGREEMENT PROVIDING EQUITABLE PROTECTION TO THE RIGHTS OF THE PUBLIC AND THE PARTICIPANTS. AUTHORIZES COMPULSORY LICENSING OF PRIVATELY DEVELOPED PATENTS NECESSARY TO THE DEVELOPMENT OR DEMONSTRATION OF AN ENERGY SYSTEM OR TECHNOLOGY. S. 1283 HAS BEEN PASSED BY THE SENATE.

THE COMPANION BILL TO S. 1283 IS H.R. 13565, WHICH HAS CONSIDERABLY DIFFERENT PATENT PROVISIONS FROM S. 1283. IN H.R. 13565, GOVERNMENT NORMALLY TAKES TITLE WITH A NON-EXCLUSIVE LICENSE TO THE CONTRACTOR, BUT WAIVER AT TIME OF CONTRACTING IS PERMITTED IF IT IS FOUND AFTER AN OPPORTUNITY FOR AN ON-THE-RECORD ADJUDICATORY PUBLIC

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HEARING THAT:

1. PARTICIPATION OF CONTRACTOR IS NECESSARY;
2. THERE IS A REASONABLE BASIS TO BELIEVE THAT WAIVER WILL NOT TEND TO LESSEN COMPETITION;
3. PUBLIC INTEREST WILL BE SERVED BY CONTRACTOR'S PLANS TO UTILIZE THE INVENTION;
4. CONTRACTOR HAS A SUBSTANTIAL INVESTMENT IN RELATED WORK;
5. CONTRACT IS NOT FOR OPERATION OF A GOVERNMENT-OWNED FACILITY NOR FOR DEVELOPMENT TO PRACTICAL APPLICATION OF A PRODUCT INTENDED FOR PUBLIC USE;
6. CONTRACT IS NOT IN A FIELD WHERE GOVERNMENT HAS BEEN THE PRINCIPAL DEVELOPER.

AFTER IDENTIFICATION OF AN INVENTION, H.R. 13565 PERMITS WAIVER IF RISK CAPITAL IS NECESSARY AND CAN ONLY BE OBTAINED THROUGH WAIVER, CONDITIONS THREE (3) THROUGH SIX (6) ABOVE ARE MET, AND A FINDING THAT THE WAIVER WILL NOT TEND TO LESSEN COMPETITION. FOREIGN FILING RIGHTS ARE TREATED SEPARATELY FROM DOMESTIC RIGHTS.

H.R. 13565 PERMITS NON-EXCLUSIVE LICENSING ON A ROYALTY-FREE OR ROYALTY-BEARING BASIS AFTER DUE NOTICE. EXCLUSIVE LICENSING IS PERMITTED FOR THREE YEARS IF IT IS DETERMINED AFTER AN OPPORTUNITY FOR AN ON-THE-RECORD HEARING UNDER THE ADMINISTRATIVE PROCEDURE ACT THAT:

- (1) NON-EXCLUSIVE LICENSING HAS FAILED TO RESULT IN UTILIZATION OF THE INVENTION;
 - (2) AN EXCLUSIVE LICENSE IS NECESSARY TO OBTAIN RISK CAPITAL;
 - (3) PUBLIC INTEREST WILL BE SERVED BY APPLICANT'S PLANS TO USE THE INVENTION; AND
 - (4) LICENSE WILL NOT UNDULY LESSEN COMPETITION.
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IN AREA OF BACKGROUND RIGHTS, H.R. 13565 REQUIRES ONLY THAT GOVERNMENT CONSIDER WHETHER TO ACQUIRE BACKGROUND TECHNOLOGY, TAKING INTO ACCOUNT;

1. PARTICIPATION OF INDUSTRY;

2. EQUITABLE PROTECTION FOR PRIVATELY DEVELOPED TECHNOLOGY,
AND;

3. COMMERCIAL AVAILABILITY OF RESEARCH RESULTS.

H.R. 13565 DOES NOT AUTHORIZE COMPULSORY LICENSING.

GOVERNMENT CONTRACTS TO PRIVATE SECTOR

ABSENT ANY EXPRESS STATUTORY REGULATION, GOVERNMENT CONTRACTS TO PRIVATE SECTOR FOR RESEARCH AND DEVELOPMENT ARE GOVERNED BY PRESIDENTIAL STATEMENT ON GOVERNMENT PATENT POLICY. WHERE STATUTORY REGULATIONS EXIST, AS INDICATED IN THE ILLUSTRATIVE LIST OF AGENCY PRACTICES ABOVE, THE AGENCIES ARE REQUIRED TO FOLLOW STATUTORY GUIDANCE IN NEGOTIATING CONTRACTS WITH THE PRIVATE SECTOR.

JOINT VENTURES BETWEEN GOVERNMENT AND PRIVATE SECTOR

THE GSA REGULATIONS ARE NOT MANDATORILY APPLICABLE TO COSPONSORED, COST-SHARING, OR JOINT VENTURE WHEN THE AGENCY DETERMINES THAT IN THE COURSE OF THE WORK UNDER THE CONTRACT THE CONTRACTOR WILL BE REQUIRED TO MAKE A SUBSTANTIAL CONTRIBUTION OF FUNDS, FACILITIES, OR EQUIPMENT TO THE PRINCIPAL PURPOSE OF THE CONTRACT. ACCORDINGLY, JOINT VENTURE BETWEEN THE GOVERNMENT AND THE PRIVATE SECTOR ARE SUBJECT TO NEGOTIATION BETWEEN THE CONTRACTING PARTIES AND ARE NOT SPECIFICALLY GUIDED BY THE PRESIDENT'S POLICY.

WORK DONE IN GOVERNMENT

PATENT RIGHTS TO INVENTIONS OF GOVERNMENT EMPLOYEES ARE INITIALLY MADE BY EMPLOYING AGENCY. GOVERNMENT EMPLOYEE
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FILLS OUT AN "INVENTION RIGHTS" QUESTIONNAIRE WHICH INDICATES WHETHER HIS JOB IS ONE WHICH INVOLVES RESEARCH AND DEVELOPMENT, WHETHER THE INVENTION WAS DONE DURING WORKING HOURS OR ON HIS OWN TIME AND HOW MUCH OF EACH WAS INVOLVED, WHETHER OTHER GOVERNMENT EMPLOYEES ASSISTED IN INVENTION PROCESS, WHETHER GOVERNMENT EQUIPMENT, INFORMATION, OR FACILITIES WERE UTILIZED, AND WHETHER THE INVENTION WAS A GOAL OF EMPLOYEE'S DUTIES AT THE GOVERNMENT AGENCY. WHERE IT IS DETERMINED THAT GOVERNMENT IS ENTITLED TO ENTIRE TITLE TO INVENTION, INVENTOR MAY APPEAL DECISION. IF THE AGENCY DETERMINES THAT GOVERNMENT IS NOT ENTITLED TO THE ENTIRE INVENTION, THE DECISION IS REVIEWED BY THE COMMISSIONER OF PATENTS UNDER EXECUTIVE ORDER 100096.

ARRANGEMENTS BETWEEN U.S. AND FOREIGN GOVERNMENTS

NO SPECIFIC GUIDELINES REGULATING NATURE OF PATENT ARRANGEMENTS BETWEEN THE U.S. AND FOREIGN COUNTRIES. HOWEVER, U.S. DOES PARTICIPATE IN MANY BILATERAL AND MULTILATERAL AGREEMENTS CONCERNING INDUSTRIAL PROPERTY.

U.S. IS A MEMBER OF PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY WHICH GUARANTEES NATIONAL TREATMENT FOR NATIONALS OF COUNTRIES OF THE UNION AND SPECIFIES OTHER REGULATIONS CONCERNING INDUSTRIAL PROPERTY. IN ADDITION U.S. PARTICIPATES IN NUMEROUS AGREEMENTS FOR ECONOMIC AND TECHNICAL COOPERATION WITH FOREIGN COUNTRIES. IN NEGOTIATING COOPERATIVE ARRANGEMENTS IN RESEARCH WORK, SOME OF THE BASIC CONSIDERATIONS TAKEN INTO ACCOUNT ARE AS FOLLOWS:

1. AT THE VERY LEAST, U.S. WANTS THE RIGHT TO USE ALL INFORMATION RESULTING FROM RESEARCH PROGRAM;
2. THE U.S. ATTEMPTS TO ENSURE APPROPRIATE FILING OF PATENT APPLICATIONS IN EACH COUNTRY WHERE INVENTION MAY BE USED;
3. IF THE RESEARCH WORK IS TO BE COOPERATIVE EFFORT WITH PRIVATE INDUSTRY, U.S. ATTEMPTS TO ENSURE THAT NO UNCLASSIFIED

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PROPRIETARY OR BACKGROUND INFORMATION OF CONTRACTOR WILL BE USED UNLESS SUCH INFORMATION WILL BE MADE AVAILABLE ON REASONABLE TERMS TO U.S.;

4. WHERE AN EXCHANGE OF PERSONNEL TAKES PLACE, THE POLICY WHICH IS GENERALLY FOLLOWED IS THAT THE COUNTRY IN WHICH THE INVENTION IS MADE HAS ALL RIGHTS TO THE INVENTION IN ITS OWN COUNTRY AND IN THIRD COUNTRIES, SUBJECT TO AN IRREVOCABLE, NON-EXCLUSIVE LICENSE TO THE INVENTOR'S COUNTRY. THE COUNTRY FROM WHICH THE INVENTOR CAME GENERALLY HAS ALL RIGHTS IN THAT COUNTRY WITH A NON-EXCLUSIVE LICENSE TO THE COUNTRY IN WHICH THE INVENTION WAS MADE.

IT IS ESSENTIAL TO NOTE THAT EACH AGREEMENT NEGOTIATED FOR HANDLING OF U.S./FOREIGN INTELLECTUAL PROPERTY RIGHTS RESULTING FROM JOINT RESEARCH EFFORTS IS DIFFERENT. WHILE THE ABOVE ENUMERATED OBJECTIVES ARE CONSIDERED DESIRABLE FROM THE U.S. VIEWPOINT, THEY ARE NOT ALWAYS ATTAINABLE.

STATUS OF PATENT TREATMENT FOR MHD GROUP OF US/USSR JOINT COMMISSION ON S&T.

A "PATENT MAPPING", SIMILAR TO A STATE OF THE ART DETERMINATION, IS BEING PLANNED FOR THE MHD PROGRAM. AN "AGREEMENT TO

AGREE" ON A PATENT POLICY HAS BEEN REACHED, BUT AS YET,
NO SPECIFIC POLICY HAS BEEN DECIDED UPON. MOST TROUBLESOME
IS QUESTION OF MANUFACTURING RIGHTS IN THIRD COUNTRIES.
A DRAFT PATENT POLICY IS BEING FORMULATED.

SUPPLEMENTARY MATERIAL IS AVAILABLE FOR ALL INFORMATION
CONTAINED IN THIS MESSAGE. KISSINGER

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